



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/107,649 08/18/93 NILSEN

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MIC, D	EXAMINER
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B5M1/0729

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BARRINGTON, IL 60010

ART UNIT	PAPER NUMBER
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2502

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DATE MAILED: 07/29/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-192. |
| 5. <input checked="" type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input checked="" type="checkbox"/> <i>Testing of Bonded Draftmen</i> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-17 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-17 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 C.F.R. § 1.67(a) identifying this application by its Serial Number and filing date is required. See M.P.E.P. §§ 602.01 and 602.02.

The oath or declaration is defective because:

On page 1, line 12, "06/" should be --07/--.

2. The drawings are objected to because the drawings that are constituted by two separate figures must be labeled with different figure numbers. A print showing the proposed drawing corrections in red ink is required with the next response. Correction is required.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Two Transistor Switching Device Inverter Ballast.

4. The Abstract of the Disclosure is objected to because it does not cover the current claimed invention. Correction is required. See M.P.E.P. § 608.01(b).

5. The disclosure is objected to because of the following informalities:

a. On page 1, line 4, "09/063,075" should be --08/063,075--; line 7, "06/" should be --07/--; and the status of each parent application should be inserted, i.e. "07/840,528" is --,now

Art Unit: 2502

Patent No. 5,189,342-- and the sixth last to second last parent applications are --, now abandoned--, the remaining three parent applications may also be patented or abandoned before this application is issued.

b. Reference to the drawings should be clarified as to which ones of the figures of the two-figure drawings are referred to and the Brief Description of the Drawings should be changed to include each separate figure.

c. On page 40, line 23, "avalance" should be --avalanche--.

d. In claim 1, line 17, "and having" should be --having--.

Appropriate correction is required.

6. All of the claims include "switching device having at least two transistors series-connected between a pair of device terminals". This language is taken to correspond to the exemplary embodiment of Fig. 9. Means such as for controlling the switching devices needed to cover the operations of the claims such as in claim 1, "(i) conducting ...", are construed to be covered based on the specification related to Fig. 9. That is, contrary to the title, abstract and summary the gist of the present claimed invention is not shown by Fig. 8.

7. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2502

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

8. Claims 1-17 are rejected under 35 U.S.C. § 103 as being unpatentable over Zansky in view of Schreiner et al, Rambert, Baker and Newcomb.

Zansky disclosed a representative self oscillating inverter ballast. Schreiner et al discussed switches in inverters being functional devices constituted by one of several different equivalent means. Rambert, Baker and Newcomb disclosed equivalent high voltage switch means having at least two transistors. It would have been obvious to one of ordinary skill in the art to have incorporated switching devices having at least two transistors series-connected between a pair of device terminals in the arrangements claimed since the claimed arrangements were exemplified by Zansky with switches falling under the discussion of Schreiner et al and as disclosed by Rambert, Baker and Newcomb. The "motivation" being that one of

Serial Number: 08/107,649

-5-

Art Unit: 2502

ordinary skill knew how to provide inverter switches as claimed and the application of this knowledge, in accordance with the claims, was part of his understanding of providing any loads with any power.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Mis whose telephone number is (703) 308-4907.


DAVID MIS
EXAMINER
GROUP ART UNIT 252

dm
July 27, 1994